

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

COOSA RIVERKEEPER, CENTER
FOR BIOLOGICAL DIVERSITY,
ADVANCE ETOWAH, and OUR
CHILDREN’S EARTH
FOUNDATION,

Plaintiffs,

v.

THE WATER WORKS AND
SEWER BOARD OF THE CITY OF
GADSDEN,

Defendant.

Case No. 4:22-cv-00130-CLM

**JOINT MOTION TO
EXTEND STAY**

Plaintiffs Coosa Riverkeeper, Center for Biological Diversity, Advance Etowah, and Our Children’s Earth Foundation (collectively, “plaintiffs”) and defendant Water Works and Sewer Board of the City of Gadsden (“GWWSB”) move the Court to extend the stay of this case (including discovery) until January 6, 2025, on the following grounds:

1. The Court is familiar with the procedural background of this case (filed on February 1, 2022), which need not be repeated here. The Court is also aware of the enforcement action filed on January 12, 2022 by the Alabama Department of Environmental Management in Etowah County Circuit Court.

2. In May, the Court stayed proceedings until September 16, 2024. During the stay, GWWSB performed significant testing and evaluation of its sewer system.

3. In its order of May 21, 2024, the Court noted that the parties had set three interim milestones for delivery of certain documents related to the ongoing sewer evaluation. GWWSB delivered all of the documents on time.

4. In its order of May 21, 2024, the Court noted that, if no party sought to have the stay lifted before September 16, 2024, the court would set a further status conference after that date. No party moved to have the stay lifted before September 16.

5. The parties seek to continue the stay for an additional three and a half months to allow GWWSB to perform follow-up investigations and work relating to the sewer system testing and evaluation. The parties believe this will result in efficiencies in time and expense, consistent with Fed. R. Civ. P. 1, in resolving both the state and federal cases whether by agreement or by litigation.

6. The court in the state case has set its next status conference on December 5, 2024.

7. The Court recently calendared a status conference in this case for October 1, 2024, at 10:30 am. Plaintiffs' counsel Edan Rotenberg will be traveling on October 1. Accordingly, if the Court intends to keep the status conference on its

calendar after receiving this motion, Mr. Rotenberg respectfully requests that the conference be rescheduled for October 2, 3, or 4.

8. The parties can provide additional detail regarding the intended use of the next three and a half months at the status conference that is currently scheduled on October 1, 2024. The parties request that the lawyers for the Alabama Department of Environmental Management be invited to attend the status conference if the Court is inclined to keep it scheduled.

For the foregoing reasons, the parties request that the Court extend the stay of this case (including discovery) until January 6, 2025.

Dated this 23d day of September, Respectfully submitted,
2024

By: _____

Richard E. Davis (ASB-6685-A58R)
C. Clayton Bromberg, Jr. (ASB-9471-L75B)
Starnes Davis Florie LLP
100 Brookwood Place, 7th Floor
Birmingham, Alabama 35209
Telephone: (205) 868-6000
Facsimile: (205) 868-6099
rdavis@starneslaw.com
cbromberg@starneslaw.com
Attorneys for GWWSB

By: _____

Megan Phillips Huizinga (Bar No. 8352-I21H)

Christie Knowles (Bar No. 0214-N77C)
Knowles & Sullivan, LLC
413 Broad Street
Gadsden, AL 35901
256-547-7200
megan@kkslawgroup.com
christie@kkslawgroup.com

Edan Rotenberg
Super Law Group
222 Broadway, 22nd Floor
New York, NY 10038
212-242-2355, ext. 2
edan@superlawgroup.com
admitted pro hac vice

Hannah Connor
Center for Biological Diversity
1411 K Street NW, Suite 1300
Washington, DC 20005
202-681-1676
hconnor@biologicaldiversity.org
admitted pro hac vice

Counsel for Plaintiffs